

366. Sometime between March 28 and April 8, 2002, BOI submitted a request to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI.
367. On April 8, 2002, Qwest submitted a change request to Verizon to change Mr. Guptill's preferred intraLATA/toll provider to BOI.
368. On April 8, 2002, Verizon changed Mr. Guptill's preferred intraLATA/toll provider to BOI.
369. Before BOI submitted its request to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, BOI did not obtain his written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
370. Before BOI submitted its request to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, BOI did not obtain his electronic authorization to do so.
371. Before BOI submitted its request to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, BOI did not obtain his oral authorization to do so from an appropriately qualified independent third party.
372. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the identity of the subscriber.
373. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.

374. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
375. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
376. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the telephone number to be switched.
377. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.
378. With respect to the request submitted by BOI to Qwest to change Mr. Guptill's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not record the verification in its entirety.
379. BOI does not possess an audio record that verifies authorization of a change made on April 8, 2002, of Mr. Guptill's preferred intraLATA/toll provider to BOI.
380. BOI has never maintained an audio record that verifies authorization of a change made on April 8, 2002, of Mr. Guptill's preferred intraLATA/toll provider to BOI.

381. BOI, through USBI and Verizon, billed Mr. Guptill for intraLATA/toll service provided by BOI between April 8 and 27, 2002.

*Bessie Goodbrake Slamming*

382. On or about April 17, 2002, a BOI employee called telephone number 660-885-3139 ("April 17 BOI Call").

383. The purpose of the April 17 BOI Call was to seek authorization for a change in that number's subscriber's preferred interLATA/toll and intraLATA/toll providers.

384. During the April call, a BOI employee spoke with Bessie Goodbrake ("Ms. Goodbrake") at telephone number 660-885-3139.

385. In April 2002, Mr. Goodbrake's local exchange telephone service provider was Sprint.

386. Immediately prior to April 17, 2002, Ms. Goodbrake's interLATA/toll provider was MCI.

387. Immediately prior to April 17, 2002, Ms. Goodbrake's intraLATA/toll provider was Sprint.

388. In April 2002, Ms. Goodbrake's telephone bills were sent to Sylvia Jane Stack ("Jane Stack").

389. In April 2002, Ms. Goodbrake did not authorize BOI to switch her preferred interLATA/toll provider to BOI.

390. In April 2002, Ms. Goodbrake did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred interLATA/toll provider to BOI.
391. In April 2002, Jane Stack did not authorize BOI to switch Ms. Goodbrake's preferred interLATA/toll provider to BOI.
392. In April 2002, Jane Stack did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch Ms. Goodbrake's preferred interLATA/toll provider to BOI.
393. In April 2002, BOI submitted a request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI.
394. On April 17, 2002, Qwest submitted a change request to Sprint to change Ms. Goodbrake's preferred interLATA/toll provider to BOI.
395. On April 17, 2002, Sprint changed Ms. Goodbrake's preferred interLATA/toll provider to BOI.
396. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
397. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
398. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI, BOI did not obtain

her oral authorization to do so from an appropriately qualified independent third party.

399. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI, BOI did not obtain Jane Stack's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
400. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI, BOI did not obtain Jane Stack's *electronic authorization to do so*.
401. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider to BOI, BOI did not obtain Jane Stack's oral authorization to do so from an appropriately qualified independent third party.
402. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
403. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
404. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately

qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.

405. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
406. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
407. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
408. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred interLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
409. BOI does not possess an audio record that verifies authorization of a change made on April 17, 2002, of Ms. Goodbrake's preferred interLATA/toll provider from MCI to BOI.
410. BOI has never maintained an audio record that verifies authorization of a change made on April 17, 2002, of Ms. Goodbrake's preferred interLATA/toll provider from MCI to BOI.

411. BOI, through USBI and Sprint, billed Ms. Goodbrake for interLATA/toll service provided by BOI between April 17 and May 23, 2002.
412. In April 2002, Ms. Goodbrake did not authorize BOI to switch her preferred intraLATA/toll provider to BOI.
413. In April 2002, Ms. Goodbrake did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch her preferred intraLATA/toll provider to BOI.
414. In April 2002, Jane Stack did not authorize BOI to switch Ms. Goodbrake's preferred intraLATA/toll provider to BOI.
415. In April 2002, Jane Stack did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch Ms. Goodbrake's preferred intraLATA/toll provider to BOI.
416. In April 2002, BOI submitted a request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI.
417. On April 17, 2002, Qwest submitted a change request to Sprint to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI.
418. On April 17, 2002, Sprint changed Ms. Goodbrake's preferred intraLATA/toll provider to BOI.
419. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI, BOI did not obtain her written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

420. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI, BOI did not obtain her electronic authorization to do so.
421. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI, BOI did not obtain her oral authorization to do so from an appropriately qualified independent third party.
422. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI, BOI did not obtain Jane Stack's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
423. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI, BOI did not obtain Jane Stack's electronic authorization to do so.
424. Before BOI submitted its April 2002 request to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider to BOI, BOI did not obtain Jane Stack's oral authorization to do so from an appropriately qualified independent third party.
425. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
426. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately



qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.

- 427. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
- 428. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
- 429. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
- 430. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
- 431. With respect to the request submitted in April 2002 by BOI to Qwest to change Ms. Goodbrake's preferred intraLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
- 432. BOI does not possess an audio record that verifies authorization of a change made on April 17, 2002, of Ms. Goodbrake's preferred intraLATA/toll provider from Sprint to BOI.

433. BOI has never maintained an audio record that verifies authorization of a change made on April 17, 2002, of Ms. Goodbrake's preferred intraLATA/toll provider from Sprint to BOI.
434. BOI, through USBI and Sprint, billed Ms. Goodbrake for intraLATA/toll service provided by BOI between April 17 and May 23, 2002.

*Lorie J. Hart Slamming*

435. On February 28, 2002, a BOI employee called telephone number 207-862-6202 ("February 28 BOI Call").
436. The purpose of the February 28 BOI Call was to seek authorization for a change in that number's subscriber's preferred interLATA/toll and intraLATA/toll providers.
437. On February 28, 2002, a BOI employee spoke with Lorie Hart ("Ms. Hart") at telephone number 207-862-6202.
438. During the February 28 BOI call, the BOI employee claimed to represent AT&T.
439. At the time the BOI employee claimed to represent AT&T, the BOI employee knew that such claim was false.
440. On February 28, 2002, BOI Management knew that its employee stated to Ms. Hart that the employee represented AT&T.
441. On February 28, 2002, BOI Management knew that its employee's claim that day that he/she represented AT&T was false.

442. During the February 28 BOI Call, the BOI employee discussed with Ms. Hart modifying her current AT&T long distance calling plan.
443. During the February 28 BOI Call, the BOI employee told Ms. Hart that, if she did not change her current long distance calling plan, her rate would increase to sixty cents (\$.60) per minute.
444. At the time the BOI employee claimed that Ms. Hart's rate would increase to sixty cents (\$.60) per minute if she did not change her current long distance calling plan, the BOI employee knew that such claim was false.
445. On February 28, 2002, BOI Management knew that its employee claimed that Ms. Hart's rate would increase to sixty cent (\$.60) per minute if she did not change her current long distance calling plan.
446. On February 28, 2002, BOI Management knew that its employee's claim that Ms. Hart's rate would increase to sixty cents (\$.60) per minute if she did not change her current long distance calling plan was false.
447. On February 28, 2002, the billing name on the account for telephone service for telephone number 207-862-6202 was John A. Hart, Sr. ("Mr. Hart").
448. On February 28, 2002, Mr. Hart's local exchange telephone service provider was TDS Telecom-Hampden ("TDS").
449. Immediately prior to February 28, 2002, Mr. Hart's preferred interLATA/toll provider was AT&T.
450. Immediately prior to February 28, 2002, Mr. Hart's preferred intraLATA/toll provider was Verizon.

451. On February 28, 2002, neither Mr. Hart nor Ms. Hart authorized BOI to switch Mr. Hart's preferred interLATA/toll provider to BOI.
452. On February 28, 2002, neither Mr. Hart nor Ms. Hart verified, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that Mr. Hart wished to switch his preferred interLATA/toll provider to BOI.
453. Sometime between February 28 and March 7, 2002, BOI submitted a request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI.
454. On March 7, 2002, Qwest submitted a change request to TDS to change Mr. Hart's preferred interLATA/toll provider to BOI.
455. On March 7, 2002, TDS changed Mr. Hart's preferred interLATA/toll provider to BOI.
456. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI,<sup>4</sup> BOI did not obtain his written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
457. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, BOI did not obtain his electronic authorization to do so.
458. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, BOI did not obtain Ms. Hart's

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<sup>4</sup> For this request and requests numbered 457 through 465 and requests numbered 474 through 482, it shall be understood that BOI's change request was made between February 28 and March 7, 2002.

written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.

459. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, BOI did not obtain Ms. Hart's electronic authorization to do so.
460. Before BOI submitted March 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, BOI used Great Lakes Verifications as its third party verifier.
461. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, the document attached hereto as Attachment D is a complete and accurate transcription of the February 28, 2002, conversation between a representative from Great Lakes Verifications and Ms. Hart.
462. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the identity of the subscriber.
463. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
464. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified

independent third party did not elicit the names of the carriers affected by the change.

465. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
466. BOI does not possess an audio record that verifies authorization of a change made on March 7, 2002, of Mr. Hart's preferred interLATA/toll provider to BOI.
467. BOI has never maintained an audio record that verifies authorization of a change made on March 7, 2002, of Mr. Hart's preferred interLATA/toll provider to BOI.
468. BOI, through USBI and TDS, billed Mr. Hart for interLATA/toll service provided by BOI between March 7 and April 25, 2002.
469. On February 28, 2002, neither Mr. Hart nor Mrs. Hart authorized BOI to switch Mr. Hart's preferred intraLATA/toll provider to BOI.
470. On February 28, 2002, neither Mr. Hart nor Mrs. Hart verified, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that Mr. Hart wished to switch his preferred intraLATA/toll provider to BOI.
471. Sometime between February 28 and March 7, 2002, BOI submitted a request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI.
472. On March 7, 2002, Qwest submitted a change request to TDS to change Mr. Hart's preferred intraLATA/toll provider to BOI.

473. On March 7, 2002, TDS changed Mr. Hart's preferred intraLATA/toll provider to BOI.
474. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain his written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
475. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain his electronic authorization to do so.
476. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain Ms. Hart's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
477. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain Ms. Hart's electronic authorization to do so.
478. Before BOI submitted its March 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI used Great Lakes Verifications as its third party verifier.
479. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, the document attached hereto as Attachment D is a complete and accurate transcription of the

February 28, 2002, conversation between a representative from Great Lakes Verifications and Ms. Hart.

- 480. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
- 481. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
- 482. With respect to the March 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, an appropriately qualified independent third party did not elicit the type of service involved.
- 483. BOI does not possess an audio record that verifies authorization of a change made on March 7, 2002, of Mr. Hart's preferred intraLATA/toll provider to BOI.
- 484. BOI has never maintained an audio record that verifies authorization of a change made on March 7, 2002, of Mr. Hart's preferred intraLATA/toll provider to BOI.
- 485. BOI, through USBI and TDS, billed Mr. Hart for intraLATA/toll service provided by BOI between March 7 and April 25, 2002.
- 486. Between April 25 and May 9, 2002, no one from BOI contacted Mr. Hart regarding a change in his inter/LATA toll or intra/LATA toll provider to BOI.



487. Between April 25 and May 9, 2002, no one from BOI contacted Ms. Hart regarding a change in Mr. Hart's inter/LATA toll or intra/LATA toll provider to BOI.
488. Between April 25 and May 9, 2002, Mr. Hart's local exchange telephone service provider was TDS.
489. Between April 25 and May 9, 2002, BOI was not Mr. Hart's interLATA/toll or intraLATA/toll provider.
490. Between April 25 and May 9, 2002, Mr. Hart did not authorize BOI to switch his preferred interLATA/toll provider to BOI.
491. Between April 25 and May 9, 2002, Mr. Hart did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred interLATA/toll provider to BOI.
492. Between April 25 and May 9, 2002, Ms. Hart did not authorize BOI to switch Mr. Hart's preferred interLATA/toll provider to BOI.
493. Between April 25 and May 9, 2002, Ms. Hart did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch Mr. Hart's preferred interLATA/toll provider to BOI.
494. Sometime between April 25 and May 9, 2002, BOI submitted a request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI.
495. On May 9, 2002, Qwest submitted a change request to TDS to change Mr. Hart's preferred interLATA/toll provider to BOI.
496. On May 9, 2002, TDS changed Mr. Hart's preferred interLATA/toll provider to BOI.

497. Before BOI submitted its May 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI,<sup>5</sup> BOI did not obtain his or Ms. Hart's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
498. Before BOI submitted its May 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, BOI did not obtain his or Ms. Hart's electronic authorization to do so.
499. Before BOI submitted its May 2002 request to Qwest to change Mr. Hart's preferred interLATA/toll provider to BOI, BOI did not obtain his or Ms. Hart's oral authorization to do so from an appropriately qualified independent third party.
500. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
501. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
502. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified

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<sup>5</sup> For this request and requests numbered 498 through 506 and requests numbered 517 through 526, it shall be understood that BOI's May 2002 change request was made sometime between April 25, 2002 and May 9, 2002.

independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.

503. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
504. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
505. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
506. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred interLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
507. BOI does not possess an audio record that verifies authorization of a change made on May 9, 2002, of Mr. Hart's preferred interLATA/toll provider to BOI.
508. BOI has never maintained an audio record that verifies authorization of a change made on May 9, 2002, of Mr. Hart's preferred interLATA/toll provider to BOI.
509. BOI, through USBI and TDS, billed Mr. Hart for interLATA/toll service provided by BOI between May 9 and June 13, 2002.

510. Between April 25 and May 9, 2002, Mr. Hart did not authorize BOI to switch his preferred intraLATA/toll provider to BOI.
511. Between April 25 and May 9, 2002, Mr. Hart did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that he wished to switch his preferred intraLATA/toll provider to BOI.
512. Between April 25 and May 9, 2002, Ms. Hart did not authorize BOI to switch Mr. Hart's preferred intraLATA/toll provider to BOI.
513. Between April 25 and May 9, 2002, Ms. Hart did not verify, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that she wished to switch Mr. Hart's preferred intraLATA/toll provider to BOI.
514. Sometime between April 25 and May 9, 2002, BOI submitted a request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI.
515. On May 9, 2002, Qwest submitted a change request to TDS to change Mr. Hart's preferred intraLATA/toll provider to BOI.
516. On May 9, 2002, TDS changed Mr. Hart's preferred intraLATA/toll provider to BOI.
517. Before BOI submitted its May 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Ms. Hart's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
518. Before BOI submitted its May 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Ms. Hart's electronic authorization to do so.

519. Before BOI submitted its May 2002 request to Qwest to change Mr. Hart's preferred intraLATA/toll provider to BOI, BOI did not obtain his or Ms. Hart's oral authorization to do so from an appropriately qualified independent third party.
520. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
521. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.
522. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
523. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
524. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.

525. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
526. With respect to the May 2002 request submitted by BOI to Qwest to change Mr. Hart's preferred intraLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
527. BOI does not possess an audio record that verifies authorization of a change made on May 9, 2002, of Mr. Hart's preferred intraLATA/toll provider to BOI.
528. BOI has never maintained an audio record that verifies authorization of a change made on May 9, 2002, of Mr. Hart's preferred intraLATA/toll provider to BOI.
529. BOI, through USBI and TDS, billed Mr. Hart for intraLATA/toll service provided by BOI between May 9 and June 13, 2002.
530. On June 13, 2002, Ms. Hart submitted a request to change Mr. Hart's preferred interLATA/toll and intraLATA/toll providers from BOI.
531. On June 13, 2002, TDS changed Mr. Hart's preferred interLATA/toll and intraLATA/toll providers from BOI.

*Fred and Caroline Michaelis Slamming*

532. On or about April 20, 2002, a BOI employee called telephone number 636-479-4324 ("April 20 BOI Call").

533. The purpose of the April 20 BOI Call was to seek authorization for a change in that number's subscriber's preferred interLATA/toll and intraLATA/toll provider.
534. During the April 20 BOI Call, a BOI employee spoke with Caroline Michaelis ("Mrs. Michaelis").
535. During the April 20 BOI Call, the BOI representative inquired about Southwestern Bell's long distance calling plan.
536. In April 2002, the billing name on the account for telephone service for telephone number 636-479-4324 was Fred D. Michaelis ("Mr. Michaelis").
537. In April 2002, Mr. Michaelis's local exchange telephone service provider was SBC (also known as Southwestern Bell and referred to hereafter as "SBC").
538. Immediately prior to April 24, 2002, Mr. Michaelis's preferred interLATA/toll provider was AT&T.
539. Immediately prior to April 24, 2002, Mr. Michaelis's preferred intraLATA/toll provider was SBC.
540. In April 2002, neither Mr. Michaelis nor Mrs. Michaelis authorized BOI to switch Mr. Michaelis's preferred interLATA/toll provider to BOI.
541. In April 2002, neither Mr. Michaelis nor Mrs. Michaelis verified, in accordance with the Commission's procedures set out in 47 C.F.R. § 64.1120, that Mr. Michaelis wished to switch his preferred interLATA/toll provider to BOI.
542. Sometime on or before April 24, 2002, BOI submitted a request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI.

543. On April 24, 2002, Qwest submitted a change request to SBC to change Mr. Michaelis's preferred interLATA/toll provider to BOI.
544. On April 24, 2002, SBC changed Mr. Michaelis's preferred interLATA/toll provider to BOI.
545. Before BOI submitted its April 2002 request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI,<sup>6</sup> BOI did not obtain his or Mrs. Michaelis's written or electronically signed authorization to do so in a form that met the requirements of 47 C.F.R. § 64.1130.
546. Before BOI submitted its April 2002 request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's electronic authorization to do so.
547. Before BOI submitted its April 2002 request to Qwest to change Mr. Michaelis's preferred interLATA/toll provider to BOI, BOI did not obtain his or Mrs. Michaelis's oral authorization to do so from an appropriately qualified independent third party.
548. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the identity of the subscriber.
549. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified

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<sup>6</sup> For this request and requests numbered 546 through 554 and requests numbered 563 through 572, it shall be understood that BOI's change request was made on or at most several days before April 24, 2002.



independent third party did not elicit confirmation that the person on the call was authorized to make the carrier change.

- 550. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit confirmation that the person on the call wanted to make the carrier change.
- 551. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the names of the carriers affected by the change.
- 552. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the telephone number to be switched.
- 553. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not elicit the type of service involved.
- 554. With respect to the April 2002 request submitted by BOI to Qwest to change Mr. Michaelis's preferred interLATA/toll provider, an appropriately qualified independent third party did not record the verification in its entirety.
- 555. BOI does not possess an audio record that verifies authorization of a change made on April 24, 2002, of Mr. Michaelis's preferred interLATA/toll provider to BOI.